

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

Bill No. 09-17

Introduced by: _____ Council Member Guthrie

Legislative Day No. _____ 09-12 _____ Date: _____ April 21, 2009

AN ACT to repeal and reenact, with amendments, Subsection B(2)(a), Schools, of Section 267-126, Adequate Public Facilities, of Article XV, Growth Management, of Part 2, Miscellaneous Provisions, of Chapter 267, Zoning, as enacted by Council Bill 08-44, as amended, as enacted by the County Council on October 21, 2008; to provide that preliminary plans and site plans may be approved for developments where the enrollment of the school serving the site exceeds 105% of the state rated capacity under certain circumstances; and generally relating to adequate public facilities for schools.

By the Council, _____ April 21, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: _____ May 19, 2009

at: _____ 6:45PM

By order: Barbara J. O'Connor/may Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

Section 1. Be It Enacted by The County Council of Harford County Maryland, That Subsection B(2)(a), Schools, of Section 267-126, Adequate Public Facilities, of Article XV, Growth Management, of Part 2, Miscellaneous Provisions, of Chapter 267, Zoning, as enacted by Council Bill 08-44, as amended, as enacted by the Council on October 21, 2008, be, and it is hereby, repealed and reenacted, with amendments, to read as follows:

Chapter 267. Zoning.

Part 2. Miscellaneous Provisions.

Article XV. Growth Management.

Section 267-126 Adequate Public Facilities.

B. Adequacy standards (minimum acceptable level of service).

(2) Residential development. Approval of residential subdivision plans and site plans for multi-family development shall be subject to findings of adequate capacity based on the standards set in this subsection and the current and projected use level described in the annual growth report:

(a) Schools.

(1) Preliminary approval. Preliminary subdivision plans exceeding 5 lots and site plans for multi-family residential developments exceeding 5 dwelling units shall not be approved at locations where either of the following conditions exists:

(a) The enrollment at the elementary school which serves the site is greater than 105% of the state rated capacity or is projected to be greater than 105% within 3 years; or

(b) The enrollment of either the middle school or high school which serves the site is greater than 105% of the state rated capacity or is projected to be greater than 105% within 3 years.

(2) Conditional review. If paragraphs (2)(a)(1)(a) or (b) of this subsection prevent approval of a preliminary subdivision plan or a site plan, the Department of Planning and Zoning may proceed with conditional review of the plan and place it on a waiting list arranged by date of completion of the review. Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the County until the plan for the project is removed from the waiting list and preliminary approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under paragraphs (2)(a)(1)(a) or (b) of this subsection no longer exists.

(3) Capital project. A preliminary subdivision plan or a site plan may be approved when the enrollment of a school serving the site is greater than 105% of the state rated capacity, if the following conditions exist:

(a) the approved capital budget contains a capital project that has appropriations sufficient to fund the construction of a new school, a school addition or school renovation which, upon completion, will reduce the enrollment at the school which serves the site below 105% of the state rated capacity;

(b) actual construction of the capital project has begun; and

(c) the capital project is scheduled to be completed and operational within [1 year]

2 YEARS.

(4) Exemptions. The provisions of this subsection shall not apply to transient housing, housing for the elderly and continuing care retirement communities.

Section 2. And Be It Further Enacted, That this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE:

Bill No. 09-17

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

Patricia J. O'Connor / WKM

Council Administrator